

**FILED**  
 UNITED STATES DISTRICT COURT  
 ALBUQUERQUE, NEW MEXICO

MAY 20 2016 *lmn*

MATTHEW J. DYKMAN  
 CLERK

Prabuddha Sanyal

Name

Prabuddha Sanyal

Albuquerque NM 87114

Address

UNITED STATES DISTRICT COURT  
 FOR THE DISTRICT OF NEW MEXICO

Prabuddha Sanyal, Plaintiff  
 (Full Name)

v.

State of New Mexico, Defendant(s)  
 Department of Workforce Solutions  
 PO Box 1928  
 Albuquerque NM 87103

CASE NO. 16cv463 WPL/KK  
 (To be supplied by the Clerk)

CIVIL RIGHTS COMPLAINT  
 PURSUANT TO 42 U.S.C. §1983

## A. JURISDICTION

1) Prabuddha Sanyal, is a citizen of United States of America  
 (Plaintiff) (State)  
 who presently resides at 9972 Buckeye St NW Albuquerque NM  
 (Mailing address or place of confinement)

2) Defendant Department of Workforce Solutions is a citizen of  
 (Name of first defendant)  
State of New Mexico, Albuquerque NM 87103, and is employed as  
 (City, State)  
\_\_\_\_\_. At the time the claim(s)  
 (Position and title, if any)  
 alleged in this complaint arose, was this defendant acting under color of state law?  
 Yes ☒ No ☐ If your answer is "Yes", briefly explain:

This Department is within the jurisdiction of the state of New Mexico.

- 3) Defendant \_\_\_\_\_ is a citizen of  
(Name of second defendant)  
\_\_\_\_\_, and is employed as  
(City, State)  
\_\_\_\_\_. At the time the claim(s)  
( Position and title, if any)  
alleged in this complaint arose, was this defendant acting under color of state.  
Yes ☐ No ☐ If your answer is "Yes", briefly explain:

(Use the back of this page to furnish the above information for additional defendants.)

- 4) Jurisdiction is invoked pursuant to 28 U.S.C. §1343(3), 42U.S.C. §1983. (If you wish to assert Jurisdiction under different or additional statutes, you may list them below.)

## B. NATURE OF THE CASE

- 1) Briefly state the background of your case.

My unemployment benefits was denied by the Department of Workforce Solutions, State of New Mexico in an unlawful manner. I was summoned to appear for a court date in India. Thus, I was unable to certify my unemployment insurance claims every week. The Department alleges that I should have called the Call Center. Unfortunately, the cost of a telephone call is prohibitive from India, and thus I was unable to contact the Call Center. Although, I continued to apply for jobs every day while in India, I was unable to certify my claims as the system will not accept my claim certification from a foreign country.

## C. CAUSE OF ACTION

- 1) I allege that the following of my constitutional rights, privileges or immunities have been violated and that the following facts form the basis for my allegations: (If necessary, you may attach up to two additional pages (8 1/2" x 11") to explain any allegation or to list additional supporting facts.

A)(1) Count I:

My legitimate unemployment benefits has been denied by the State of New Mexico during the period when I was unemployed. This constitutes basis for violation of my privileges under the law.

- (2) Supporting Facts: (Include all facts you consider important, including names of persons involved, places and dates. Describe exactly how each defendant is involved. State the facts clearly in your own words without citing leagl authority or argument.)

Please find enclosed the Department's Board of Review decision on May 11, 2016. Also, please find attached the emails that proves that I applied for jobs every week while I was in India.

B)(1) Count II:

- (2) Supporting Facts:

C)(1) Count III:

(2) Supporting Facts:

D) PREVIOUS LAWSUITS AND ADMINISTRATIVE RELIEF

1) Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action or otherwise relating to the conditions of your imprisonment?

Yes ☐ No ☒ If your answer is "YES", describe each lawsuit. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline.)

a) Parties to previous lawsuit.

Plaintiffs: \_\_\_\_\_

Defendants: \_\_\_\_\_

b) Name of court and docket number:

c) Disposition (for example: Was the case dismissed? Was it appealed? Is it still pending?)

d) Issues raised: \_\_\_\_\_

e) Approximate date of filing lawsuit: \_\_\_\_\_

f) Approximate date of disposition: \_\_\_\_\_

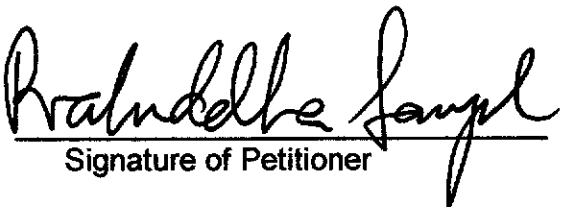
- 2) I have previously sought informal or formal relief from the appropriate administrative officials regarding the acts complained of in Part C. Yes ☐ No ☐ If your answer is "Yes", briefly describe how relief was sought and the results. If your answer is "No," briefly explain why administrative relief was not sought.

#### E. REQUEST FOR RELIEF

- 1) I believe that I am entitled to the following relief:

As I was out of the country during the period December 15, 2015 to February 24, 2016, I believe that the Department should backdate the checks and pay me for this period as I was unemployed during this period. The Department should also cover the litigation costs arising from filing my case in this court.

\_\_\_\_\_  
Signature of Attorney (if any)

  
\_\_\_\_\_  
Signature of Petitioner

Attorney's full address and telephone number.

DECLARATION UNDER PENALTY OF PERJURY

The undersigned declares under penalty of perjury that he is the plaintiff in the above action, that he has read the above complaint and that the information contained therein is true and correct. 28 U.S.C. Sec. 1746. 18 U.S.C. Sec. 1621.

Executed at \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_.  
(Location) (Date)

Prabuddha Sampl  
(Signature)



STATE OF NEW MEXICO  
NEW MEXICO DEPARTMENT OF  
WORKFORCE SOLUTIONS  
PO BOX 1928  
Albuquerque, NM 87105  
www.dws.state.nm.us

Sanyal, Prabuddha  
9972 BUCKEYE ST NW  
ALBUQUERQUE, NM 87114

May 11, 2016

### DECISION OF BOARD OF REVIEW

**Claimant [APPELLANT] :**

Sanyal, Prabuddha  
9972 BUCKEYE ST NW  
ALBUQUERQUE, NM 87114  
**Claimant ID #:** 2000042400

**Employer :**

**EAN #:**

Issue ID: 4393690

SSN: 230-81-1221

Appeal Decision: Affirm

Date Decision Becomes Final if Not Appealed: June 10, 2016

Decision Mailing Date: May 11, 2016

Date of BOR Review Session: May 5, 2016

Date of Appeal to Higher Authority: April 13, 2016

Appeal Tribunal Decision: Affirm

Date of Appeal Tribunal Decision: April 8, 2016

Date(s) of Scheduled Hearing(s): April 8, 2016

Date Appeal Filed To Appeals Tribunal: March 24, 2016

Date Appeal Filed: March 24, 2016

Original Determination: Ineligible Indefinitely Not Denied

Date of Original Determination: March 2, 2016



20695712

An Equal Opportunity Employer

**IMPORTANTE:** Este documento afecta su elegibilidad para recibir beneficios de Seguro de Desempleo. Si usted no entiende este documento, llame inmediatamente a la línea de servicio al cliente del Departamento de Soluciones de Fuerza Laboral de Nuevo México al 1-877-664-6984.

**NEW MEXICO  
DEPARTMENT OF WORKFORCE SOLUTIONS  
UNEMPLOYMENT INSURANCE DIVISION**

**IN RE CLAIM OF:**

**Claimant ID:** 2000042400

**Issue ID:** 4393690

**Claimant: (Appellant)**

Prabuddha Sanyal  
9972 Buckeye St. NW  
Albuquerque, NM 87114

**DECISION OF BOARD OF REVIEW**

Claimant appealed the Appeal Tribunal decision issued April 11, 2016 that Claimant failed to show good cause to backdate his claim. This matter came before the Board of Review for the Unemployment Insurance Division, New Mexico Department of Workforce Solutions, on May 5, 2016. The Board, having reviewed the record and the appeal, hereby **affirms** the decision of the Appeal Tribunal and adopts its Findings of Fact and Conclusions.

Claimant was separated from employment September 30, 2015. In December 2015, Claimant traveled to India to attend to matters involving his mother's estate. Upon returning to the States, Claimant filed his claim for benefits on February 21, 2016 and asked that he be allowed to backdate his claim to December 2015. Backdating a claim is only allowed if good cause is shown. Here, Claimant asserts he attempted to file his weekly certifications while in India but that the Department's website would not accept certifications from outside the United States. The Board is not persuaded that good cause has been shown. To begin with, Claimant has submitted no proof, such as screenshot printouts, that his certifications were rejected. Moreover, even if filing the certifications online from overseas were not possible, Claimant still had the option of filing his weekly certification by calling the Department's call center. Therefore, the Board agrees with the Appeal Tribunal that good cause has not been established. Claimant shall not be permitted to backdate his claim or file late weekly certifications. The Appeal Tribunal is affirmed.

Claimant's request to backdate is denied and he shall not be paid for the week(s) in question pursuant to NMSA 1978, § 51-1-5(A) and 11.3.300.301(B) NMAC.

This is the final decision of the Department. If you disagree with this decision, you may file an appeal to the district court where you reside in New Mexico. The appeal must be filed within 30 days from the date of this decision. If you wish to file a court appeal, you should contact your private attorney or a legal services agency for assistance immediately. Appeals are governed by NMSA 1978, § 51-1-8(M) and (N), and Rule 1-077 NMRA.

**UNEMPLOYED CLAIMANTS SHOULD CONTINUE TO FILE WEEKLY CERTIFICATIONS.**



**Appendix A**

Issue Type:	Issue Start Date:	Issue End Date:	Decision:
Reporting Requirements	12/19/2015 12:00:00 AM		Affirm

This decision results in an overpayment of unemployment benefits in the total amount of \$0 . At least 50 % of the weekly amount of any future benefits to which you are entitled may be taken and applied to your overpayment balance. To view your overpayment details, login to your account at [www.dws.state.nm.us](http://www.dws.state.nm.us) and select "Manage Debt".

Pursuant to NMSA 1978, section 51-1-38(B), if your overpayment is due to fraud, you also owe a civil penalty of 25% of the amount of benefits obtained as a result of intentional misrepresentations or failure to disclose material facts. Unlike your overpayment balance, this penalty cannot be reduced through the offsetting of future Unemployment Insurance benefits. You are required to repay the penalty in full.

You are overpaid for the week(s) below in the amount(s) indicated.

Week Ending Date:	Payment Amount:	Penalty Amount:
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Total Amount	\$0.00	
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Total Penalty Amount:	\$0.00	
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Claimant: Prabuddha Sanyal  
Claimant ID: 2000042400  
Issue ID: 4393690  
Page 2 of 2

LOS RECLAMANTES QUE AÚN ESTÁN DESEMPLEADOS DEBERÍAN SEGUIR CERTIFICANDO CADA SEMANA MIENTRAS SU APELACIÓN ESTÁ PENDIENTE.

DATED and issued MAY 11 2016 in Albuquerque, New Mexico,

by Richard A. Branch  
Richard Branch, Chair

by John Baldwin  
John Baldwin, Member

by Loc Truong  
Loc Truong, Member

I hereby certify that on MAY 11 2016 I mailed copies of this decision to the above-captioned party or parties. The copies were addressed as shown and mailed in franked envelopes. prohision administrative clerk.

**IMPORTANT:** This document affects your unemployment insurance eligibility. If you do not understand this document, telephone the New Mexico Department of Workforce Solutions Call Center at 1-877-664-6984.

**IMPORTANTE:** Este documento afecta su elegibilidad para el seguro de desempleo. Si usted no entiende este documento, llame al Centro Telefónico del Departamento de Workforce Solutions de Nuevo México al 1-877-664-6984.

Hi Prabuddha,

Thank you for your interest in our Econometrician, Marketing Analytics (Experienced) opportunity!

We would like to learn more about you and get you scheduled for a phone interview with a member of the team.

Please let me know if there are a few good days/times when you are available and I will get the call scheduled!

Best regards,

Lisi McCall  
lmccall@marketshare.com

\*Candidates: Please include your email address in your message replies

You can reply directly to this message or click the following link:  
<https://app.jobvite.com/em?i674815c4f09f1f86209b2f7ca4f5246a>

You can change your email preferences at:  
<https://app.jobvite.com/l?ksRfPXfwC>

Hi Prabudda. Thanks a lot for your interest in employment in the Center for Economics at GAO. We are currently scheduling interviews at the AEA/ASSA meetings in San Francisco (scheduled for January 2-4), and I am writing to check if you are attending. If not, then we may be in touch subsequently. Happy holidays,

Oliver

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Oliver M. Richard, Ph.D.

Director

Center for Economics

U.S. Government Accountability Office

441 G. Street NW, Washington, DC 20548

rabuddha,

Thank you for your response. We will review your resume and get back to you if an interview is required.

Laura

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Laura Padgett

Financial Associate

Potomac River Capital, LLC

1750 K Street NW

Suite 7E

Washington, DC 20006

P: 202-400-2598

F: 202-330-5013

Hi Prabuddha,

I don't think that I ever got around to thanking you for your time, but I know that Jim, Nalini and Ben all enjoyed chatting with you.

We are hoping to invite you onsite to meet with Nita and a few other members of the team. Do you have some availability next week?

I look forward to hearing from you soon,

**Rebekah Cremer**

**Human Resources Business Partner**

Metabiota

425 California Street

Suite 200

San Francisco, CA 94104

(650) 283-0728

URL: [www.metabiota.com](http://www.metabiota.com)

Dear Prabuddha Sanyal,

Thank you for your application to Job # 152850 for the position of title Manager and Deputy Head of Mission to the UN, WBG, New York Office.

This is to confirm that your application was received and is being reviewed with regards to this vacancy.

To view the status of your application, go to - Check Application Status - On the Jobs/Careers site (<http://www.worldbank.org/careers>).

Regards,

Human Resources  
The World Bank Group

NOTE: THIS MESSAGE IS SYSTEM GENERATED. YOU CANNOT REPLY TO THIS MESSAGE.

Good afternoon! I'm Karen Lawrence, Talent Acquisition Program Manager, from Baltimore Gas & Electric (BGE) in Baltimore, MD. I am following up with you regarding our Sr Load Analyst opportunity to which you recently applied. I wanted to ask if you are available for a phone discussion tomorrow with myself first (from HR), and then a subsequent and brief technical discussion with our hiring manager.

First, please confirm if you are still interested in this opportunity with BGE. Then, please confirm if you are interested in working in the Baltimore, MD area. Finally, please confirm if you are available for a phone discussion tomorrow, WEDNESDAY, 1/27 at 2:45pm, EST. If so, I will call you directly at the number provided on your resume unless you advise of a better phone number for me to call you directly.

Thank you very much for your time and interest in Baltimore Gas & Electric! I look forward to your response.

Karen

Karen Lawrence

Talent Acquisition Program Manager

Baltimore Gas & Electric Company

2 Center Plaza

110 West Fayette Street

Baltimore, MD 21201

Office (410) 470-5373



Hi Sanyal,

Thank you for your interest in the Director, Consumer Demand opening with Walmart. Could you please provide a good time for me to call you on Wednesday or Thursday?

Thanks,

**Christi Crawford | Talent Acquisition Manager**

**M: 479-276-5680**

[Christi.Crawford@walmart.com](mailto:Christi.Crawford@walmart.com)

[Web](#) | [LinkedIn](#) | [Glassdoor](#) | [Facebook](#)

***Our People Make the Difference.***

Prabuddha Samra  
9972 Buckeye St NW  
Albuquerque, NM 87114-5206

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MAY 20 2016

MATTHEW J. DYKMAN  
CLERK

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Pete V. Domenici U.S. Courthouse  
333 Lomas Blvd NW, Suite 270  
Albuquerque, NM 87102